IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Bhagwati Devi Vs. State of Rajasthan & Ors.

S.B.CIVIL WRIT PETITION NO.450/2006

DATE OF ORDER :: April 26, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mrs. Vinita Joshi, for the petitioner.
Mr.B.L.Tiwari, Dy. G.A.

BY THE COURT:

By the instant writ petition under Article 226 of the Constitution of India, the petitioner has challenged the order Annexure-12 terminating her services as Anganwari Worker from Anganwari Centre, village Sudrasan, Tehsil Deedwana, Distt. Nagaur.

I have heard learned counsel for the parties.

Facts giving rise to the instant writ petition are that the petitioner was appointed as Anganwari Worker vide order

Annexure-1 dt. 21.5.1999 passed by the Deputy Director, Woman and Child Development, Office, Nagaur and in pursuance thereof, the petitioner joined the said post and had been continuously discharging her duties at Anaganwari Centre at village Sudrasan, Tehsil Deedwana, Distt. Nagaur. The petitioner also underwent refresher course vide Annexures-2,3 and 4 on various dates and as such, she had been working at Anganwari Centre since her appointment i.e. 21.5.1999. However, surprise to the petitioner, abruptly a notice was issued by the Sarpanch, Gram Panchayat, Sudrasan on 27.7.2005 and ultimately by Annexure-12 her services have been terminated.

A reply to the writ petition has been filed by the respondents stating therein that the petitioner was asked to shift the Anganwari Centre from the existing place to Ward No.5, which she failed to do so and, therefore, she committed illegality and disobeyed the order of the Gram Panchayat. The petitioner made a representation to the Child Development Officer vide Annexure-9 stating therein that the Anganwari Centre, where the petitioner was asked to shift the same is not a suitable place as there is no water and electricity facility and it is far away from the village and having a liquor shop adjacent to the place proposed and, therefore, the students/children would not prefer to go to such a place and it would not be appropriate place in the

interest of the children, yet Sarpanch of the said Panchayat Samiti is adamant to shift the Anganwari Centre for his own convenience.

So far as non-joining of the duty for some period is concerned, vide Annexure-P/11, it has been made clear that the petitioner gave birth to a child on 2.1.2006 and, therefore, she was under maternity and could not attend the Centre but it cannot be said that she had been voluntarily discontinuing the service.

I have carefully gone through the documents annexed. So far any irregularity is concerned, except the petitioner not shifting to any place proposed by the Sarpanch for which the petitioner categorically made a representation vide Annexure-9 giving detailed reasons no other irregularity or disobedience has been pointed out and so far as not shifting the Centre is concerned, now the petitioner is prepared to shift Centre at a suitable place. Therefore, there cannot be any occasion to say that the petitioner had not been discharging the duties as assigned to her. By the order of this Court dt. 30.1.2006, while issuing the notice, it was directed that no fresh appointment shall be made on the post from which the petitioner has been removed. In pursuance thereof, no fresh appointment has been

made.

In this view of the matter, I am of the view that the order terminating the services of the petitioner is not well founded and deserves to be quashed.

In the result, the writ petition is allowed. Order impugned Annexure-12 terminating the services of the petitioner as Anganwari Worker is quashed and the petitioner is allowed to continue as Anganwari Worker at the Centre to which she was appointed vide Annexure-1. However, it is made clear that from the date of order Annexure-12 till the petitioner joins the duties and starts working as Anganwari Worker, she will not be paid honorarium for the intervening period as she did not work for that period. However, the services of the petitioner will be in continuity. Stay petition stands disposed of.

There shall be no order as to costs.

[H.R.PANWAR],J.

m.asif/-